

APPENDIX B

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

APPLIES TO ALL CASES

MDL NO. 2804

Case No. 17-MD-2804

Judge Dan Aaron Polster

SECOND SUPPLEMENTAL GOVERNMENT PLAINTIFF FACT SHEET

Plaintiff (also referred to as “You” throughout) shall provide information responsive to the questions set forth below. Instructions and Definitions are provided at the end of this document. You shall provide information reasonably available to You and are not excused from providing the requested information for failure to appropriately investigate Your case. Plaintiff shall supplement its responses if it learns that they are incomplete or incorrect in any material respect.

PLAINTIFF: _____

Case Caption and Number: _____

Contact Attorney Name for MDL: _____

Firm: _____

Telephone Number: _____

Email Address: _____

I. LITIGATION HOLD INFORMATION

1. When did the Plaintiff begin investigating the allegations set forth in its Complaint?

Response: _____

2. When did the Plaintiff first retain counsel to represent it on the matters alleged in the Complaint?

Response: _____

3. When did the Plaintiff place a litigation hold on the Plaintiff's documents?

Response: _____

4. Since the Complaint was filed, has the Plaintiff ever been accused of spoliating evidence in any other litigation or legal proceeding?

YES _____ NO _____

- (a) If yes, provide the case title and caption for each proceeding.

Response: _____

5. Does the Plaintiff have a formal or written document retention policy governing the preservation and/or destruction of email, non-email electronically stored information, or hard copy documents ?

YES _____ NO _____

6. Does the Plaintiff retain any documents or records reflecting what email, non-email electronically stored information, or hard copy documents You have been destroyed since You filed the Complaint?

YES _____ NO _____

7. Is the Plaintiff subject to any state law or regulation governing the destruction of email, non-email electronically stored information, or hard copy documents?

YES _____ NO _____

If yes:

- (a) Specify the relevant law or regulation.

Response: _____

- (b) Has the Plaintiff complied with its obligations under the relevant state law or regulation?

YES _____ NO _____

- (c) Does the Plaintiff submit any form of confirmation or verification with the relevant state or regulatory body reflecting the Plaintiff's compliance?

YES _____ NO _____

8. Are there any other practices, policies, or procedures the Plaintiff follows that relate to the preservation or destruction of the Plaintiff's emails, non-email electronically stored information, or hard copies?

YES _____ NO _____

If yes, list the relevant practice, policy, or procedure, and explain its relevance to the preservation or destruction of potentially relevant information:

Response: _____

II. DOCUMENTS

Please produce the following documents to the extent these documents are in Your possession, custody, or control.

1. All documents and records identified in response to Question 7(c) in Section I of this Fact Sheet
2. To the extent the Plaintiff is aware of relevant documents that were deleted, but nonetheless asserts that other documents can adequately replace them, all documents reflecting the availability and sufficiency of any alternative materials or resources the Plaintiff is aware of that may replace the destroyed information.

III. CERTIFICATION

I declare under penalty of perjury that all of the information provided in this Plaintiff's Fact Sheet is complete, true, and correct to the best of my knowledge and information, and that I have provided all of the requested documents that are reasonably accessible to me and/or my attorneys, to the best of my knowledge.

Signature

Print Name

Date

INSTRUCTIONS

1. The Fact Sheet shall be completed in accordance with the requirements and guidelines set forth in the applicable implementing Order.
2. Each Plaintiff must complete this separate form by electronically inserting the responsive information. The electronic version of this Fact Sheet can expand to accommodate as much information as is necessary to fully answer any of these questions. If you are completing this document in a representative capacity, please answer the questions provided herein on behalf of the Plaintiff you represent.
3. All the responses in this Fact Sheet or an amendment thereto are binding upon Plaintiffs as if they were contained in answers to interrogatories. Any responses, however, are without prejudice to future supplementation.
4. In completing this Fact Sheet, you are under oath and must provide information that is true and correct. You must answer every question as specifically as possible. If you cannot recall or locate the details requested, please provide as much information as you can after making a good-faith inquiry and search. For example, if a question asks for a date and the exact date is not known or capable of being ascertained, an approximate date should be provided (e.g., ‘approximately mid-2001’). You may and should consult records in your possession that contain responsive information to assist you in responding.
5. You must promptly supplement your responses if you learn that they are incomplete or incorrect in any material respect. Each question in this Fact Sheet is continuing in nature and requires supplemental answers if you obtain further information between the time of answering and the trial.
6. Each question in this Fact Sheet should be construed independently, unless otherwise noted. No question should be construed by reference to any other question if the result is a limitation of the scope of the answer to such question.
7. The questions herein do not seek the discovery of information protected by the attorney-client privilege.
8. The words ‘and’ and ‘or’ should be construed as necessary to bring within the scope of the request all responses and information that might otherwise be construed to be outside its scope.

DEFINITIONS

2. “You” and “Your” means each individual Plaintiff named in this action, including, its departments, divisions, agents, and/or employees.